

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : NAKAGAWA, Susumu
Serial No. : 09/894,628
For : CONTENT CONTROL METHOD, CONTENT
CONTROL DEVICE AND PROGRAM STORAGE
MEDIUM FOR STORING CONTENT CONTROL
PROGRAM TO CONTROL THE CONTENTS
Filed : June 28, 2001
Examiner : Le, Nancy Loan T.
Art Unit : 3621
Confirmation No. : 6151

FILED VIA EFS-WEB
ON APRIL 29, 2011

ADDITIONAL STATEMENT FOR
PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner/Applicant adds the following statement in support of their position that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

On April 14, 2009 a Final Action was mailed to the Applicants in the above-referenced patent application. Applicants filed a timely reply on June 11, 2009. Applicants then filed a Notice of Appeal on October 14, 2009 because a response had not been received from the Patent Office.

On October 27, 2009 an Advisory Action was received in response to the Applicants June 11, 2009 reply to the Final Action. In the Advisory Action, the Patent Office stated, on page 2, "The rejection of the application mailed on 14 April 2009 *is hereby withdrawn. A new action will be submitted and mailed to the Applicant later.*" (emphasis added). A copy of the Advisory Action is attached hereto.

After receipt of the Advisory Action, Applicants were assured in numerous telephone calls that a follow-on action or allowance would be forthcoming. However, no further action was received from the Patent Office until a Notice of Abandonment on March 30, 2011.


Applicants maintain that they relied to their detriment upon an unequivocal statement in the Advisory Action of October 27, 2009 that there no longer existed any outstanding rejection against the present application. Accordingly, the entire delay in filing any required reply from the due date for the required reply until the filing of this grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

It is submitted that the requirements of Section 1.137(b) have been met, and that this is a grantable petition. Favorable consideration of this petition, acceptance of the issue fee and issuance of this application as a patent are requested.

The Commissioner is authorized to charge any fee occasioned by this paper or any other fee required to Deposit Account No. 50-0320.

Respectfully submitted,

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